

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DONNY SINKOV, as Administrator of the Estate of Docket No.: 07-CIV-2866
Spencer E. Sinkov, deceased, DONNY A. SINKOV, and (CLB)
HARA SINKOV,

Plaintiffs,

-against-

DONALD B. SMITH, individually and in his official capacity as Sheriff of Putnam County, JOSPEH A. VASATURO, individually, LOUIS G. LAPOLLA, individually, THE COUNTY OF PUTNAM, New York, and AMERICOR, INC.,

Defendants.

**DECLARATION OF
ADAM I. KLEINBERG
IN SUPPORT OF
DEFENDANT SMITH'S
MOTION FOR
SUMMARY JUDGMENT**

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ADAM I. KLEINBERG, an attorney duly admitted to practice law in the Courts of the State of New York, hereby affirms, under penalty of perjury, the following:

1. I am a member of the law firm Miranda Sokoloff Sambursky Slone Verveniotes LLP, attorneys for defendant DONALD B. SMITH in the above-captioned action. I submit this reply declaration in further support of the defendants' motion pursuant to Fed. R. Civ. P. 12 (c) and 56 seeking to dismiss the plaintiffs' complaint in its entirety.

2. The attached exhibit is relevant to the defendants' motions. The exhibit is a true and accurate copy of what it purports to be.

Exhibit A May 5, 2008 Stipulation between The County of Putnam, The Putnam County Sheriff, and the Putnam County Sheriff's Employees' Association, Inc.

Dated: Mineola, New York
June 9, 2008



ADAM I. KLEINBERG (AIK-0468)